

**REAL ESTATE BOARD  
MINUTES  
SEPTEMBER 25, 2003**

**PRESENT:** Richard Hinsman, Richard A. Kollmansberger, Peter Sveum, Maria E. Watts, Rebecca J. Dysland, Lloyd Levin

**STAFF PRESENT:** Patricia Hoeft, Division Administrator of Board Services; William Black, Legal Counsel, Pat Schenck, Program Assistant, Barbara Showers, Darwin Tichenor and Lydia Bridge, Exam Center; and Division of Enforcement Staff

**GUESTS:** Rick Staff, Wisconsin Realtors Association (WRA)

**CALL TO ORDER**

Richard Kollmansberger, Chairman, called the meeting to order at 10:05 a.m. A quorum of 6 members was present.

**ADOPTION OF AGENDA**

**MOTION:** Richard Hinsman, moved, seconded by Maria Watts, to adopt the agenda as written. Motion carried unanimously.

**APPROVAL OF MINUTES JUNE 26, 2003**

**MOTION:** Rebecca Dysland moved, seconded by Maria Watts, to approve the minutes of June 26, 2003 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Richard Kollmansberger, Chair, introduced Lloyd Levin to the Board. Mr. Levin replaces Nancy Gerrard as a professional member. Mr. Levin gave a summary on his background and experience. Introductions were made around the table.

**BOARD ROSTER**

Lloyd Levin to be added to the Board Roster replacing Nancy Gerrard.

## **2003 BOARD MEETING DATES**

Next meeting October 23, 2003. Scheduling 2004 meeting dates - the Board prefers to meet on Thursdays, the last week of the month.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

## **REGULATORY DIGEST**

The Board discussed gathering data for the Regulatory Digest Newsletter. William Black reported that the Department is reviewing the printing and mailing costs of newsletters and may provide them electronically. The Board was concerned about the number of credential holders that do not have E-mails in place.

## **BOARD MEMBER WORKSHOP – OCTOBER 14, 2003**

Maria Watts will be attending. Rebecca Dysland is unsure.

## **EDUCATION AND EXAMINATIONS CUT SCORES FOR REVISED REAL ESTATE EXAMINATIONS**

Barbara Showers reported on the redesign of the real estate sales and broker examinations. The goal was to focus the examinations more directly on Wisconsin law and practice. The redesign procedures were designed to be in accord with the current standards for *Educational and Psychological Testing* of the American Educational Research Association, the National Council of measurement in Education, and the American Psychological Association, which are the professional standards that guide testing in credentialing and education.

The Department enlisted the services of the professional testing company, Promissor, Inc. to develop tests to the new specifications.

The committees recommended that the score required to pass the new salesperson examination be 60%, and that the score required to pass the new broker exam be 74%. The cut scores on the current examinations are set at 70%.

Ms. Showers reported that exams are running smoothly and that Promissor, Inc has added a new site at Green Bay, and will automatically add space as needed to accommodate candidates.

## **CONTINUING EDUCATION CURRICULUM**

The Board discussed at length continuing education requirements for candidates in year of original licensure and whether or not continuing education should be waived.

The Board will continue this discussion at the October 23, 2003 Board meeting.

## **LEGISLATION UPDATE**

None at this time.

## **NEW BUSINESS**

### **REPORT ON RACINE JULY 23, 2003 OUTREACH SESSION**

Richard Hinsman reported on the Outreach Session held in Racine on July 23, 2003. Staff from the Department of Regulation and Licensing attended and gave presentations on the functions at the Department of Regulation & Licensing. The thirty in attendance indicated they had learned a lot about the Department and recommended that the Department continue with Outreach Sessions. The attendees filled out a questionnaire regarding the Staff's presentation. The feedback was very good.

### **RICHARD HINSMAN REAPPOINTMENT STATUS**

Richard Hinsman has served two terms (4 years). Mr. Hinsman is ineligible for a reappointment but can serve on the Board until a replacement is appointed.

### **ERRATA FOR FINAL DECISION AND ORDER (LS0306263)**

**MOTION:** Lloyd Levin moved, seconded by Peter Sveum, to adopt the Errata for the Final Decision and Order LS0306263 in the matter concerning Gary Sebold. Motion carried unanimously.

### **PRESENTATION OF PROPOSED STIPULATIONS**

Chairman Kollmansberger presented information concerning the following matters:

**00 REB 163, 01 REB 091, 01 REB 143, 01 REB 242** - John C. Ihm d/b/a Dodgeland Realty and d/b/a IHM Realty (Dodgeville)  
**01 REB 156** - Erik M. Aukland and Lincoln Management LLC (Racine)  
**00 REB 186** - Paul A. Canfield (Eau Claire)

**00 REB 274, 01 REB 245** - Burnet Realty Inc. d/b/a Coldwell Banker, Robert Nicholson, Willard A. Seiffert, Earl L. Mielke (Hudson)  
**00 REB 186** - Kleven Real Estate Inc. and Robert W. Janke (Eau Claire) ().  
**00 REB 291, 01 REB 065** - Jeffrey L. Sowl d/b/a/ Superior Properties (LaPointe)  
**03 REB 931** - Michelle L. Kieffer (Rhinelander)  
**99 REB 327** - David R. Wagner d/b/a Wagner Property Management (Menomonie)  
**01 REB 289** - Arnold R. Wittenburg d/b/a/ Wittenburg Realty (Hartland)  
These matters will be deliberated on in Closed Session.

#### **STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

None.

#### **PUBLIC COMMENTS**

None.

#### **CLOSED SESSION**

**MOTION:** Rebecca Dysland moved, seconded by Lloyd Levin, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Motion carried by roll call vote. Rebecca Dysland-yes, Richard Hinsman-yes, Richard A. Kollmansberger-yes, Peter Sveum-yes, Maria Watts-yes, Lloyd Levin - yes.

Open session recessed at 11:04 a.m.

#### **RECONVENE TO OPEN SESSION**

**MOTION:** Rebecca Dysland moved, seconded by Richard Hinsman, to reconvene into Open Session at 11:51 a.m. Motion carried unanimously.

#### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **MONITORING REPORT**

Nothing to report.

## CASE CLOSINGS

**MOTION:** Rebecca Dysland moved, seconded by Richard Hinsman, to close the following complaints: Motion carried unanimously.

**02 REB 171** for insufficient evidence.  
**02 REB 147** for no violation.  
**02 REB 141** for no violation.  
**02 REB 265** for no violation.  
**01 REB 322** for no violation.  
**02 REB 116** insufficient evidence.  
**01 REB 210** insufficient evidence.  
**02 REB 021** insufficient evidence.  
**03 REB 053** insufficient evidence, Glen Witter, Security realty of Wausau  
**03 REB 090** for prosecutorial discretion (P3).  
**03 REB 068** for no violation.  
**01 REB 213** for no violation.  
**02 REB 178** for no violation.

## ADMINISTRATIVE WARNINGS

### 02 REB 090

**MOTION:** Rebecca Dysland moved, seconded Richard Hinsman, to accept administrative warnings for **02 REB 090, Martina E. Swan, 03 REB 053, and 01 REB 213.** Motion carried unanimously.

## ADMINISTRATIVE WARNINGS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None.

## STIPULATIONS

**MOTION:** Maria Watts moved, seconded Rebecca Dysland, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in each of the following matters as listed. Motion carried unanimously.

**00 REB 163, 01 REB 091, 01 REB 143, 01 REB 242** - John C. Ihm d/b/a  
DodgeLand Realty and d/b/a IHM Realty (Dodgeville)  
**01 REB 156** - Erik M. Aukland and Lincoln Management LLC (Racine)  
**00 REB 186** - Paul A. Canfield (Eau Claire)

**00 REB 274, 01 REB 245** - Burnet Realty Inc. d/b/a Coldwell Banker,  
Robert Nicholson, Willard A. Seiffert, Earl L. Mielke (Hudson)  
**00 REB 186** - Kleven Real Estate Inc. and Robert W. Janke (Eau Claire)  
**00 REB 291, 01 REB 065** - Jeffrey L. Sowl d/b/a/ Superior Properties  
(LaPointe)  
**03 REB 931** - Michelle L. Kieffer (Rhinelander)  
**99 REB 327** - David R. Wagner d/b/a Wagner Property Management  
(Menomonie)  
**01 REB 289** - Arnold R. Wittenburg d/b/a/ Wittenburg Realty (Hartland)

**STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

None.

**DISCIPLINARY ACTIONS**

None.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

**AGENDA ITEMS FOR NEXT MEETING: OCTOBER 23, 2003**

- Schedule 2004 Meeting Dates – Last Thursday of the month
- Number of credential holders that receive Regulatory Digest Newsletter – Cathy Pond
- Discussion on Continuing Education Requirement for candidates in year of original licensure.

**ADJOURNMENT**

**MOTION:** Richard Hinsman moved, seconded by Maria Watts, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

**NEXT MEETING: OCTOBER 23, 2003**